

**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF TEXAS**  
*Dallas Division*

CLERK US DISTRICT COURT  
 NORTHERN DIST. OF TX  
 FILED

Form To Be Used By A Prisoner in Filing a Complaint  
 Under the Civil Rights Act, 42 U.S.C. § 1983

2013 JUN -4 AM 10:27

DEPUTY CLERK

Javier Pena-Ordonez #235838

Plaintiff's name and ID number

Collin County Detention Facility

Place of Confinement

**8-13CV2094-G**

Case No.

(Clerk will assign the number)

Plano Police Department

909 14th St., Plano, Texas 75086

Defendant's name and address

Collin County Detention Facility

4300 Community Avenue, McKinney, Texas 75071

Defendant's name and address

Defendant

(DO NOT USE "ET AL.")

**INSTRUCTIONS - READ CAREFULLY**

**NOTICE:**

**Your complaint is subject to dismissal unless it conforms to these instructions and this form.**

1. To start an action you must file an original and one copy of your complaint with the court. You should keep copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, **DO NOT USE THE REVERSE SIDE OR BACK SIDE OF ANY PAGE.** ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the Clerk of the United States Court for the appropriate District of Texas in the Division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. The list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate District Court, the Division and an address list of the Divisional Clerks.

## FILING FEE AND IN FORMA PAUPERIS

1. In order for your complaint to be filed, it must be accompanied by the filing fee of \$350.00.
2. If you do not have the necessary funds to pay the filing fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis* (IFP), setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six (6) month history of your Inmate Trust Account. You can acquire the application to proceed IFP and appropriate Inmate Account Certificate from the law library at your prison unit.
3. 28 U.S.C. 1915, as amended by the Prison Litigation Reform Act of 1995 (PLRA), provides, "...if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." Thus, the Court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the Court will apply 28 U.S.C. 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your Inmate Account, until the entire \$350 filing fee has been paid.
4. If you intend to seek *in forma pauperis* status, then do not send your complaint without an Application to Proceed IFP, and the Certificate of Inmate Trust Account. Complete all the essential paperwork before submitting it to the Court.

## CHANGE OF ADDRESS

It is your responsibility to inform the Court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion (s) for any other relief. Failure to file a **NOTICE TO THE COURT OF CHANGE OF ADDRESS** may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

## I. PREVIOUS LAWSUITS:

A. Have you filed *any* other lawsuits in state or federal court relating to your imprisonment?  YES  NO

B. If your answer to "A" is "yes," describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: October, 2012
2. Parties to previous lawsuit:  
Plaintiff(s) Javier Pena-Ordonez  
Defendant(s) Farmers Branch Police Depart. & Officer Chad Purvis
3. Court: (If federal, name the district; if state, name the county.) Northern District, Dallas Division
4. Docket Number: \_\_\_\_\_
5. Name of judge to whom case was assigned: Magistrate Judge David Horan
6. Disposition: (Was the case dismissed, appealed, still pending?) Conclusion, finding & recommendation  
I could not sue the Farmers Branch Police
7. Approximate date of disposition: February 27th, 2013

## I. PREVIOUS LAWSUITS:

6. Disposition: Department because is not a entity, but it will stay the action from the officer Chad Purvis as follow:

Wrongful Arrest

Denied acces to Counsel

Forging Documents

Unlawful Search and Seizure

II. PLACE OF PRESENT CONFINEMENT: Collin County Detention Facility

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted both steps of the grievance procedure in this institution?

YES  NO

Attach a copy of the Step 2 grievance with the response supplied by the prison system.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: Javier Pena Ordonez

Collin County Detention Facility  
41300 Community Avenue, Sd -2103 #235838  
McKinney, Texas 75071

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Collin County Detention Facility  
41300 Community Avenue, McKinney, Texas 75071

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed

I s alleged Wrongful incarceration from 3/15/13 thru this day; and

Defendant #2: Assistant Criminal District Attorney  
Collin County, Texas

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed  
you.

I s alleged the enhancements where bring before

Defendant #3: Police Plano Department  
909 14th St, P.O. Box 860358, Plano, Texas 75086-0358

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed  
you.

Discrimination and Racial Profile, Unlawful Search and Seizure

Defendant #4: Marcus D Norman  
505 Lake Village Drive, McKinney, Texas 75071

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed  
you. For trying to convince me to take 4 yrs TDC for that  
was the District Attorney plea agreement.

Defendant #5: Michael Kayla Himes Public Defender at Dallas ~~Frank Crowley Bld.~~  
133 North Riverfront Blvd LB2, Dallas, Texas 75242

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

for trying to convince me to take 8 yrs TDC for that  
was the District Attorney's from Dallas.

IV. PARTIES TO THIS SUIT:

B. Defendant # 1: a Double Jeopardy for the NOTICE TO APPEAR are hereby ordered to appear before:

The Honorable Angela Tucker

199th District Court

2100 Bloomdale Road

McKinney, Texas 75071

to answer criminal charges pending in that Court, to wit:

DRIVING WHILE INTOXICATED 3RD OR MORE

Cause No: 199-81815-10 and certify, and stamped by:

Andrea Stroh Thompson

District Clerk, Collin County, Texas

Also signed by:

Linda Herrera, Deputy

The same charges, is ~~Dallas County~~ Dallas County char-  
 ging myself ~~last year~~ last year on June 12, 2012.

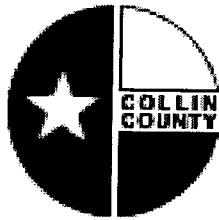
Is being appointed by the Collin County Court a  
lawyer on the same offense information:

April 25, 2013

Tom Damore

P.O. Box 860552

Plano, Texas 75086-0552



## COLLIN COUNTY

Andrea Stroh Thompson

District Clerk

P.O. Box 578

McKinney, Texas 75070

(972) 548-4320

972-424-1460 Ext. 4320 (Metro)

Mailed to:

Collin County Justice Center  
Inmate Mail: Javier Pena-Ordonez  
4300 Community Blvd.  
McKinney, Texas 75071

Cause No: 199-81815-10

The State of Texas  
vs  
Javier Pena-Ordonez

In the 199th District Court  
of  
Collin County, Texas

### NOTICE TO APPEAR

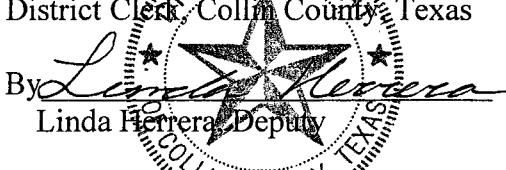
You, the defendant, are hereby ordered to appear before:

The Honorable Angela Tucker  
199th District Court  
2100 Bloomdale Road  
McKinney, Texas 75071

on the 05/15/2013 at 9:00 o'clock A.M., to answer criminal charges pending in that Court, to wit: DRIVING WHILE INTOXICATED 3RD OR MORE

And there remain until discharged by that Court.

Witness my official signature at McKinney, Texas on this the 26th day of April, 2013.

Andrea Stroh Thompson  
District Clerk, Collin County, Texas  
By   
Linda Herrera, Deputy

Your failure to respond to this notice will result in a warrant for your arrest being issued. If convicted or placed on Deferred Probation, the defendant should be prepared to pay court costs, fines, restitution and appointed attorney fees at the time of disposition.



**COLLIN COUNTY**

Collin County Courthouse  
2100 Bloomdale Road  
McKinney, Texas 75071

April 25, 2013

Tom Damore  
PO Box 860552  
Plano TX 75086-0552

Telephone: 214-821-1919  
Fax: 214-821-2890

**YOU HAVE BEEN APPOINTED TO AN INMATE IN COLLIN COUNTY**

**Texas Fair Defense Act**

Attorney's first contact should be made within 24 hours of the appointment notification and interview as soon as practicable. Attorney pay sheets should be submitted on the date of disposition.

<b>Defendant Information</b>		<b>Appointment Information</b>	
Name:	Javier Pena-Ordonez	Appointed By:	Bryon Wetzel
LE:		Appointment Date:	April 25, 2013
Address:	700 18th ST APT 114 Plano TX 75074	Case Number:	1998181510
Telephone:	Home: 4696856123	Hearing Date:	
DOB:	03/10/1968	Collin County Jail; (972) 547-5200	

**Offense Information**

Arrest Date	Case #	Charge	Bond	Arresting Agency
03/15/2013	1998181510	DRIVING WHILE INTOXICATED 3RD OR MORE		Collin County Sheriff's Office

IV. PARTIES TO THIS SUIT:

B. Defendant#2: the Grand Jury of Collin County, State of Texas, duly organized at the July term, A.D., 2010 of the 401st. District Court of said county, in said court at said term, the charge of DWI/3RD Cause# (199- 81815-10).

The only way to bring enhancements is during a Jury Trial; 12 Jurors must find you guilty, then and only then can bring your priors during sentencing, not before, is alleged.

Also this allegation must have new evidence brought to the Grand Jury for the enhancement; no verbal or write consent was given for the search of the vehicle I was driving, on the initial arrest in Plano # 10-085261.

DEFENDANT PENA-ORDONEZ, JAVIER

Case 3:13-CV-02094-G Document 3 Filed 06/04/13 Page 9 of 35 PageID 12

CHARGE DWI/3RD F3

ADDRESS 700 18<sup>TH</sup> ST, PLANO, TX 75074

CAUSE# 199-81815-10

DESCRIPTION W/M, 03/10/68, 5'10, 185, BRO/BRO

AGENCY#/ PLANO #10-085261

ARREST INFORMATION 05/10/10

C/C N/A witness: D. HARTSCHUH

**TRUE BILL OF INDICTMENT**

IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS: The Grand Jury of Collin

County, State of Texas, duly organized at the JULY Term, A.D., 2010 of the 401st

District Court of said county, in said court at said term, do present that \_\_\_\_\_

**JAVIER PENA-ORDONEZ HEREINAFTER CALLED DEFENDANT**

on or about the 10th day of May A.D. 2010, in said county and State, did then and there

operate a motor vehicle in a public place while the said defendant was intoxicated;

and it is further presented in and to said court that prior to the commission of the offense alleged in paragraph one of this indictment, the said defendant on the 6th day of June, A.D., 2007, in the Iowa District Court for Woodbury County, in cause number OWCR069914 was convicted of the offense of Operating While Intoxicated-Third Offense, a Class D Felony, and said conviction became final prior to the commission of the offense alleged in paragraph one of this indictment;

and it is further presented in and to said court that prior to the commission of the offense alleged in paragraph one of this indictment, the said defendant on the 6 day of March, A.D., 2006, in the Iowa District Court for Woodbury County in cause number OWCR067979 was convicted of the offense of Operating While Intoxicated-Second Offense, an Aggravated Misdemeanor, and said conviction became final prior to the commission of the offense alleged in paragraph one this indictment;

Against the peace and dignity of the State.

FILED

10 AUG 26 PM 3:05

HANNAH KUNKLE, DISTRICT CLERK

COLLIN COUNTY, TEXAS

BY Sara DEPUTY

FOREMAN OF THE GRAND JURY

DEFENDANT'S COPY

NO. 002-83749-10

THE STATE OF TEXAS

§ IN THE COUNTY COURT AT LAW

v.

§ NUMBER TWO

JAVIERE PENA-ORDONEZ

§ COLLIN COUNTY, TEXAS

**MOTION TO DISMISS**

TO THE HONORABLE JUDGE OF SAID COURT:

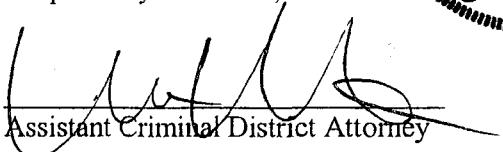
NOW COMES the State of Texas by and through her Attorney, and respectfully requests the Court to dismiss the above-entitled and numbered cause for which the defendant is charged with the offense of Driving While Intoxicated, for the reason:

- The evidence is insufficient;
- The defendant was convicted in another case;
- The complaining witness has requested dismissal;
- The case has been re-filed;
- The defendant is unapprehended;
- The defendant is deceased;
- The defendant has been granted immunity in light of his testimony;
- Other;

Indicted as DWI/3<sup>rd</sup> (199-81815-10) on August 26, 2010.

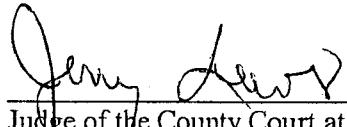
WHEREFORE, it is prayed that the above entitled and numbered cause be dismissed.

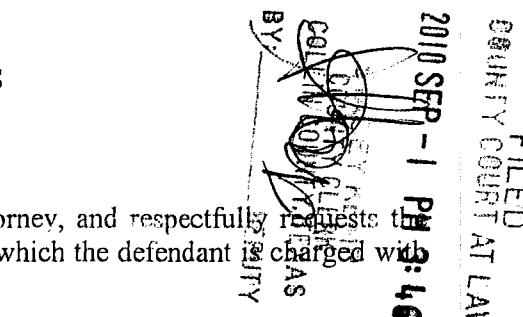
Respectfully submitted,

  
Assistant Criminal District Attorney

**Order**

The forgoing motion having been presented to me on this the 8 day of Sept, A. D. 2010, and the same having been considered, it is, therefore, ORDERED, ADJUDGED, and DECREED that said above entitled and numbered cause be and the same is hereby dismissed.

  
Judge of the County Court at Law Two  
Court of Collin County, Texas



COLLIN COUNTY COURT AT LAW  
FILED  
2010 SEP - 1 PM : 46  
CLERK'S OFFICE  
COLLIN COUNTY, TEXAS



#### IV. PARTIES TO THIS SUIT:

B. Defendant #3: and Mistrreated of Inmate, on the initial arrest document # 10-085261.

Defendant #5: County and Collin County was offering back on September 22th, 2012, and for being on daily bases speaking with the District Attorney from another County, is alleged.

Defendant #6: Gregory W. Rushin, Chief of Police 909 14th Street, P.O. Box 860358., Plano, Texas 75086  
Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you. For the individual capacity and not a proper training, and actions of the Plano Police Department for the discrimination and racial profile; mistreated of the Inmates, Unlawful Search and Seizure, is alleged.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember that the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT.

I ~~alleged~~ on May 10, 2010, and by being pull over by ~~Plano Police Department~~, on that early morning a friend call me and ask me if I help her, because her ride left her at the place where she was playing poker, it was approximately 2:30 a.m.

I left the house, after speaking with the wife, and went on her aid this female friend name is Shun Claymore or Claybourne, She reside in Plano and her and I belongs to the same club membership at (WPT) World Poker Tournaments. After pick her up from the place, where she was left out, we continue to ride thurs her house is alleged approximately 7:00

VI. RELIEF: State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

~~[REDACTED]~~, punitive damages for the wrongful incarceration of almost a hole yr. between ~~[REDACTED]~~

VII. GENERAL BACKGROUND INFORMATION:

A. State, in complete form, all names you have ever used or been known by including any and all aliases:

Javier Pena O.; Javier P. Ordóñez, Javier Pena-Ordóñez

B. List all TDCJ-ID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you, if known to you.

VIII. SANCTIONS:

A. Have you been sanctioned by any court as a result of any lawsuit you have filed?  YES  NO

B. If your answer is "yes", give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division):

2. Case Number: \_\_\_\_\_

3. Approximate date sanctions were imposed: \_\_\_\_\_

4. Have the sanctions been lifted or otherwise satisfied?

YES  NO

## V. STATEMENT OF CLAIM:

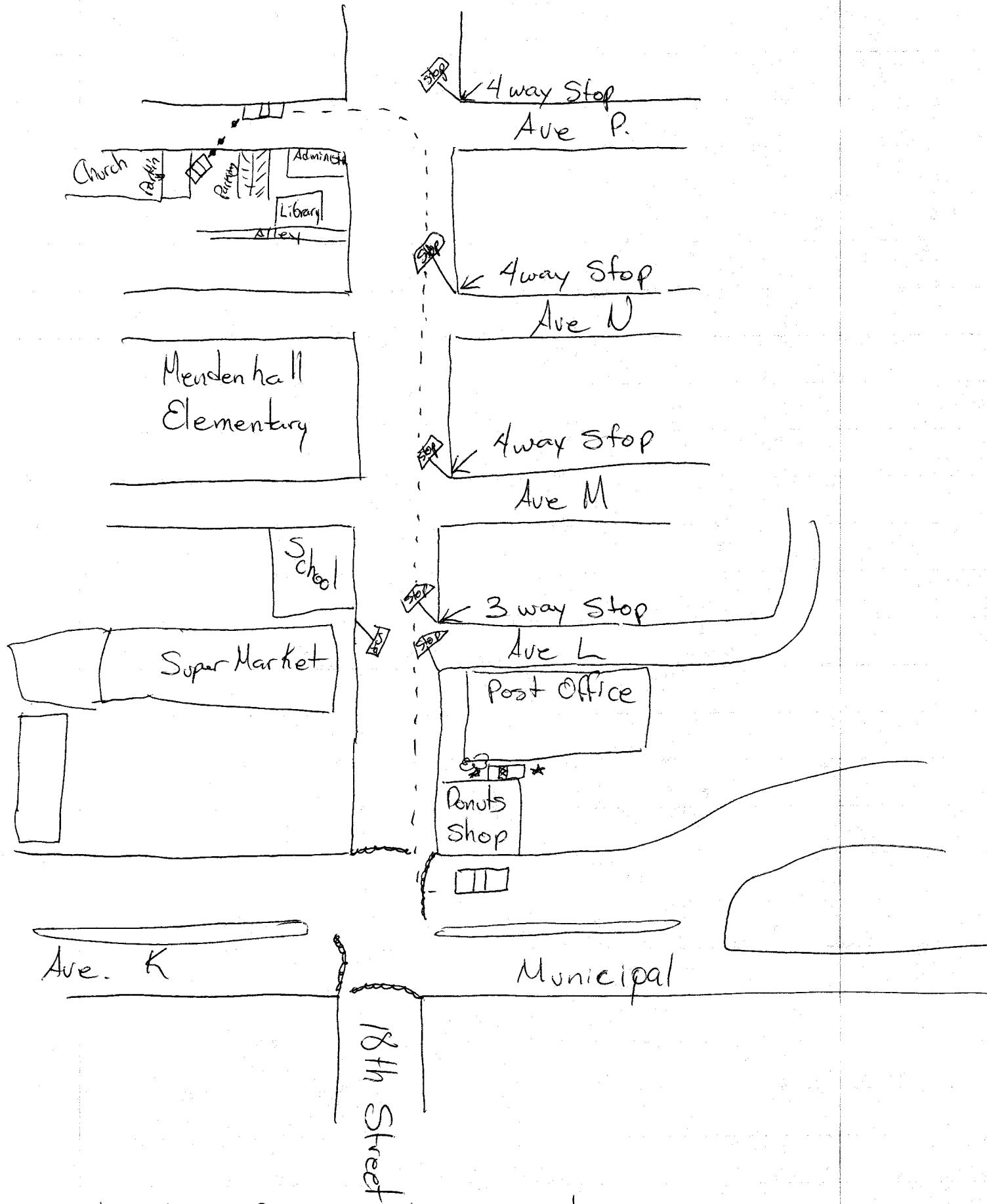
a.m. I got around 18th Street and avenue K, at the stop signal, I took a right and behind the donuts shop it was the Police suburban with two officer's.

That is when they saw a vehicle with out-state plates, a two occupants well dress, one hispanic male and one black woman; and then they pull us over.

Is alleged by Police that it was for not a proper stop and I question the officer wish one?

In the following page I will draw to the best of my knowledge and show the course of my stop after passing more then a few stops.

★ ★ Location of the Police Suburban



Location of the stop signals

The fact of the matter was totally different, more like a Discrimination and Racial Profile and after being question myself for 5 minutes I was ask to get of the car and walk to the rear of the vehicle where I was arrested, handcuffe, and taken into custody by Plano Police depart. and sat on their suburban.

Not even ask if they can get ~~in~~ in my car, I did not gave any consent, verbal or writing to search my vehicle, so it has become after the founding of a bottle of ~~pills~~ prescribe in my name by a Doctor at Emergency Room From Presbyterian Hospital, a Unlawful Search and Seizure.

And the started question Shun ("Qoute and Unqoute") I could hear everything over their radio.  
(Police spoke)

Maria, your friend sell drugs  
(Shun answer)

Javier, he is a general contractor for a small Company and work 6 days a week  
(Police spoke)

Maria, your friend is illegal alien and is going to get deported back to Mexico.

(Shun answer)

No, I don't think so, Javier is a American citizen and has the paperwork to prove it.

(Police spoke)

Maria, your friend is being taking this pills and not suppost to be driving.

(Shun answer)

He had a injurie on his left eye, with a piece of metal stuck, this is why he must be taking them for inflamation, but I have not seem him taking any at this moment.

Another officer took Shun to her house and I was transporter to Plano Police Depart. where I got fingerprints, change out, shower and taking to the cell, where I got in dissagreement with a Jailer by not given a mattress to sleep on, just the blanket on the floor of the cell, where other's inmate's had one...

Is alleged the mistreated of a Inmate was done at that time, it had to be the same with every one, unless you got a fisical or mental problem!!!

When transported to McKinney and set on those

chairs for a period of 12 hours and even after calling my friend Arnold, had paid the bail bond, I could not get out, on the issued that it had being book-in under a different name and after spoken to the Lieutenant of that shift, he fix the error in question, on minutes; and I was out.

My insumssion or understanding; and this because I do not have the documentation in my hand for diverse reason; and this County is not require re to gave me any paperwork, and the Municipal also is not require to respond to requests for information from incarcerated individuals., the ~~at~~ trying to gave me the same crime or charge like in Dallas County twice; this also alleged to be Double Jeopardy.

The original indictment was given by officer down-stairs at book-in on March 16th, 2013.

Amendment of indictment, but is the same crime or charge like Dallas County; and this procedure follow under or by Double Jeopardy and by this article the Court have to give you a lesser charge.

With this true bill, one can pursuant to obtain, and the option to go against the following County and City's:

- 1 - Collin County
- 2 - City of McKinney
- 3 - City of Plano

And incase that this county and two city's become entities, and one can not sued them; this alleged procedures must be against the officers and the Personnal from the diverse's office for the Individual Capacity on the following:

- The District Attorney of Collin County for that on March 12, 2013 his offer of 7 yrs TDC in front of the Judge Tracy Holmes in Dallas County on this charge that it was a dismissa!
- Another District Attorney or the same one; again I do not have or can not acquire the documents for the proper names; for that on March 28, 2013 his offer of 11 yrs. TDC on this charge for a plea agreement on April 12, 2013 in front of the Judge Angela Tucker.
- D. Hartschuh for (his/her) pursuant the indictment to the Grand Jury of Collin County on July, 2010

at the 401st District Court is alleged to be a witness.

- Janice Copeland is alleged the pursuant the certification of such indictment that it signed, dated Aug 1st, 2010, and sealed.
- S. Davis, Deputy on (his/her) is a alleged filed on Aug. 26th, 2010 at 3:05 pm, signed, and sealed.
- These procedures where done while Allied bail bondsman assured me that the State of Texas by the capitol of Austin, had drop all the charges or no bill and to come into their office to signed paperwork or documents so, I did on September 8th thru 28th, 2010 approximilly...

Furthermore, they can testify by free will or Cepena by the Court; a witness that it can come forth on my behalf of what really happen at the time of my arrest if is need it to confirm this information.

Finally I would like to add, that I ~~had~~ alleged that it is a connection between

the former Public Defender is from Dallas County  
and lawyer from this County on a daily bases  
with the District Attorney of Collin.

If is a possibility that this paper work from  
the Complaint and the application in forma pa-  
peris be sent to the Magistrate Judge David  
Horan; ~~I~~ I apologize; I did not know it was  
related to the same incident or issue.

## VI. RELIEF:

Dallas County and Collin County; and the action of the Plano Police Department for the discrimination and racial profile; mistreated of the inmate to make the plaintiff sleep on the floor without mattress; by book-in at Collin County under a different name; and because this injustice incarceration & the re-location of my family to another state, for the suffering, emotional, financial, economical and phychological of the wife and kids.



Gregory W. Rushin  
Chief of Police

909 14th Street  
P.O. Box 860358  
Plano, Texas 75086-0358  
972-424-5678

May 17, 2013

Javier Pena-Ordonez #235838  
Collin County Detention Facility  
4300 Community Avenue  
McKinney, TX 75071

Dear Mr. Pena-Ordonez:

Per Section 552.028 of the Government Code, this Law Enforcement Agency is not required to respond to requests for information from incarcerated individuals. Accordingly, no information regarding your request will be forthcoming.

Regards,

A handwritten signature in black ink that reads "Teresa J. Brown".  
Teresa J. Brown  
Sr. Open Records Assistant



"Professionalism - Integrity - Progress"



May 7th, 2013

To whom may concern

or  
Plano Police Department

RECEIVED  
MAY 10 2013  
OPEN RECORDS

Under the Privacy Act and the Freedom of Information Act, codified at 5 U.S.C. §§ 551 and 552, applies to the Department of Justice.

The specific documents of my old case as follow:

- a) Initial arrest // Plano # 10-085261, any other attachment, and details of this case, dated May 10th, 2010

Javier Pena-Ordonez  
Javier Pena-Ordonez  
#235838  
SD - 2103

## Party Data Sheet

Norman, Marcus D

### PERSONAL INFORMATION

**Current Address:**

505 Lake Village Dr  
McKinney, TX 75071

Work: 214-245-8200

Fax: 972-783-1866

Email: mdnorm@gmail.com

Race:

Person ID:

Ethnicity:

SO#

Gender:

DOB:

Height:

DL:

Weight:

SSN:

Place of Birth:

State ID:

Complexion:

FBI:

Build:

Other Agency #:

Hair:

Eyes:

Marital Status:

Dependants:

Highest Grade:

Highest Degree:

**Previous Address:**

304 N Cooper  
Arlington, TX 76011-0000

**Previous Address:**

6440 N Central EXPY  
STE 100  
Dallas, TX 75206

### SCARS, MARKS AND TATTOOS

No Scars, Marks, or Tattoos

### PHYSICAL DESCRIPTORS

No Physical Descriptors

### EMPLOYMENT INFORMATION

No Employment Information

### VEHICLES

No Vehicle Information

### ASSOCIATES

No Associates

### WARRANTS

No Warrants

### BONDS

April 2nd, 2013

To Mr. Marcus D. Norman

I am requesting this documents; I must have them in my possession to start the Civil lawsuit against the Collin County.

- 1) The initial arrest at 18th St. & Ave P in Plano, Tx 75069 document # 10-085261 & the witness that accompany me at that time also.
- 2) When McKinney Sheriff Depart. pick me up from Plano, in book me on this case # 199-81815-10, also the dismiss from the Judge on May 18, 2010 signed, dated & seal.
- 3) The bail bonds at SOI S. McDonald, where I call every week for 5 months & the signed paper work on September, 2010.

Is immanante to have this proper documents, to complete before I go in front of the Judge on April 12, 2013.

March 31, 2013

To whom may concern

or

Marcus D. Norman

(Copy from the original)

I call allied bail bonds at this # 972-542-9316  
spoke with Jack the owner of such business,  
located at: 501 S. McDonald St.  
McKinney, Tx 75069

On march 27th, 2013, at 1:45 pm I ask him about  
the case that I was dismiss by the Judge on  
May 18, 2010; on the court room located on:

1800 N. Graves St.

McKinney, Tx 75069

It was found that it was the same charge, and  
nothing was charged, that in fact I need it,  
any of the information to go into the internet,  
I reply that I was incarcerated, Jack told  
me that you as my lawyer to contact him as soon  
is possible for this information, wish I request  
a copy of. Furthermore was added that after  
3 months later the re-filed by D.A. on Aug.  
26, 2010.

My understanding of the law and I have read in the Law Library somewhere is that if refiled to the Grand Jury without prejudice and can not be the same charge, it has to be a lesser crime or charge.

By this procedures from Plano, and McKinney we shall take this case to Jury Trial and pursuant a Civil lawsuit of this major factors in this case as follow:

- 1)- Discrimination and Racial Profile.
- 2)- Wrongful Arrest
- 3)- Unlawful Search and Seizure.
- 4)- Mistreated of Inmate
- 5)- Book-in under a different name
- 6) - Double Jeopardy

a) Given inf. by the Police officer's to a 3rd party and not being related by blood, origin, or marriage is a some kind of conduct, but you know more about this, find it, and add is my request.

b) Also I have a solid and air tided witness who can testify in my behalf of what really happen at the time of my arrest.

Thank you in advance in your professionalism and

God bless us all.

Sincerely your  
Javier Pena-Ordonez

Signed  
soft# 235838

March 24th, 2013

To whom may concern

or

Mr. Marcus D. Norman

(Copy of the original)

If for what ever reason you have forgot what happen on May 18th, 2010, that on the morning and after asking you for your Services (Quote and Ongate):

"Mr. Pena lets walk to my vehicle and sign a retainer for my service to be legal; so we did... my mother (Consuelo Ordonez) who was accompany me on that time wait for me inside, while we walk thru your vehicle, I was telling you what happen the week before."

Your retainer service was 700.<sup>00</sup> DLLs at that time, I only had 600.<sup>00</sup> on money orders and you said, we take care of the rest later, you were driving a green VOLVO or SAAB with a whole lots of paper work on the back-seat and you had one of those regular tablets like the ones you used to pay the rent, you wrote how much I gave you and you and I signed the receive, you gave me the

yellow copy and told me that when I gave you the rest, I will get the original.

I said what the D. A. was offering, 18 months at Hutchinson or where something similar. Upon returning back to the Court House the one at the old hospital across from Walt-Mart on 380 Hwy...

University Drive Courts Facility  
1800 North Graves Street  
McKinney, TX 75069

You and me started walking thru the court room and tell me to sit outside, so we did and waited for 15 to 20 minutes, after this time you came out and advice me that the case was a dismissal, that now I had to go to the bail bonds location & speak with them; so I did...

If for what ever reason you Mr. Marcus D. Norman don't think is right; well, I will ask you in GOD's name to do the proper.

- a) - What was the charged on May 18th, 2010?
- b) - What was the outcome of those procedures in the court on that day?
- c) - Who was the Honorable Judge and District Attorney names?

d) The Allied bail bonds located at:

SOI S. McDonald

McKinney, TX 75069

assured me the State of Texas drop the charged  
on September, 2010; and to come into the offi-  
ce to sign, also ones; after signing I did not  
have to call any more.

A copy of this documents I am trying to request  
from you at this time.

Thank you in advance on your professionalism.

Sincerely your  
Javier Pena - Ordonez

Signed

**Law Library Request Form**

Note: All of the questions below must be answered:

S.O. #: 235838From: Javier Pena-OrdonezDate: March 16th, 2013Date of Birth: 03-10-1968Pod: 3A Cell: 21

Do you have a court-appointed attorney for your case?

Yes        No XIf no, is your case filed in Court?Yes X No       Which Court is the case filed? 199THIf not filed in Collin County, specify Court location: State: Texas County: Farmers BranchAre you acting Pro Se (representing yourself) in this matter? Yes        No XWhat is the Court Case Number? 1998181510What type of research will you be doing? Be specific. I need copy's of all paperwork from this case, ~~including all correspondence~~If you have written "Civil" above, list the case number: Civil on BackAdditional comments: \*\*\*\*\***For Law Library Staff Use Only**

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_ Denied

4. \_\_\_\_\_ Your attorney is your access to  
the courts.5. \_\_\_\_\_  
6. \_\_\_\_\_ RJH 03-18-13

7. \_\_\_\_\_

8. \_\_\_\_\_

Note: Your form is returned for the following reasons: [Incomplete] [Not specific] you  
have a court-appointed attorney]

Revised 09/08/11

### Law Library Request Form

Note: All of the questions below must be answered:

S.O. #: 235838

From: Javier Pena-Ordonez

Date: March 16th, 2013

Date of Birth: 03-10-1968

Pod: \_\_\_\_\_ Cell: \_\_\_\_\_

Do you have a court-appointed attorney for your case?

Yes        No X

If no, is your case filed in Court?

Yes X No \_\_\_\_\_

Which Court is the case filed? 199TH

If not filed in Collin County, specify Court location: State: Texas County: Farmers Branch

Are you acting Pro Se (representing yourself) in this matter? Yes        No X

What is the Court Case Number? 199818150

What type of research will you be doing? Be specific. I need copy's of all paperwork from this case, ~~including all documents, exhibits, and attachments.~~

If you have written "Civil" above, list the case number: \_\_\_\_\_

Cont. on Back

Additional comments: \*\*\*\*\*

#### For Law Library Staff Use Only

1. \_\_\_\_\_

2. \_\_\_\_\_

3. Denied

4. Your attorney is your access to  
the courts.

5. \_\_\_\_\_  
LJH 03-18-13

6. \_\_\_\_\_

7. \_\_\_\_\_

8. \_\_\_\_\_

Note: Your form is returned for the following reasons: [Incomplete] [Not specific] you have a court-appointed attorney]

Revised 09/08/11

- C. Has any court ever warned or notified you that sanctions could be imposed? \_\_\_\_\_ YES  NO  
D. If your answer is "yes", give the following information for every lawsuit in which warning was imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed warning (if federal, give the district and division): \_\_\_\_\_

2. Case Number: \_\_\_\_\_

3. Approximate date warnings were imposed: \_\_\_\_\_

Executed on: 5/22/2013

DATE

Javier Pena-Ordonez  
Javier Pena-Ordonez  
(Signature of plaintiff)

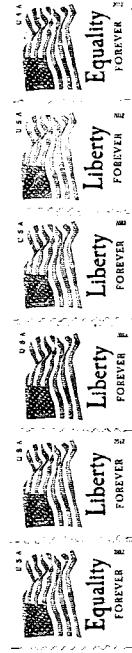
#### PLAINTIFF'S DECLARATIONS

1. I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
2. I understand if I am released or transferred, it is my responsibility to keep the Court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
3. I understand that I must exhaust all available administrative remedies prior to filing this lawsuit.
4. I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions in a Court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
5. I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire \$350 filing fee and costs assessed by the Court, which shall be deducted in accordance with the law from my inmate account by my custodian until the filing fee is paid.

Signed this 22<sup>nd</sup> day of May, 2013.  
(Day) (month) (year)

Javier Pena-Ordonez  
Javier Pena-Ordonez  
(Signature of plaintiff)

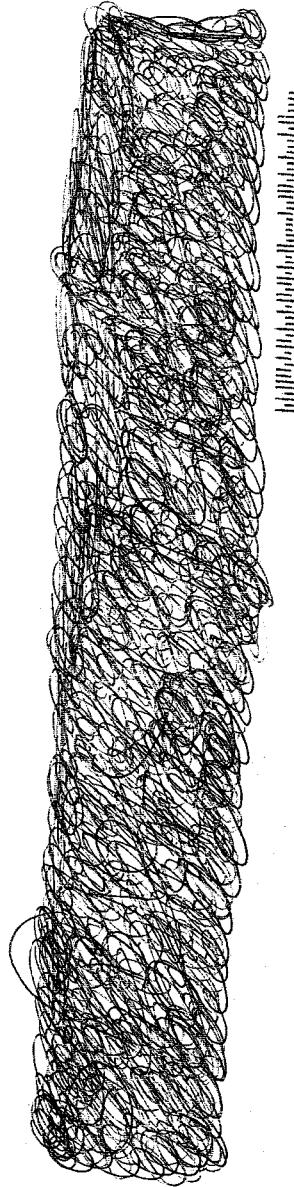
**WARNING: The Plaintiff is hereby advised any false or deliberately misleading information provided in response to the following questions will result in the imposition of sanctions. The sanctions the Court may impose include, but are not limited to monetary sanctions and/or the dismissal of this action with prejudice.**



Collin County Detention Facility  
Javier Pena-Ordonez Sd -2103 # 235SP38  
4300 Community Avenue  
McKinney, Texas 75071

EX-94 JUN 12 2013  
U.S. POSTAL SERVICE

United State District Court  
Office of the Clerk  
1100 Commerce Street, Room 1452  
Dallas, Texas 75242



JUN 4 2013